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DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-206513

DATE: March 15, 1982

MATTER OF: Beacon Winch Company

DIGEST:

Protest challenging responsibility of the two apparent low bidders is dismissed because GAO does not review affirmative determinations of responsibility except in circumstances not applicable here.

Beacon Winch Company protests the award of a contract to any firm other than itself under Invitation for Bids No. DAAE07-82-B-A022 issued by the Department of the Army. The solicitation is for the manufacture and delivery of 72 winches. Beacon maintains that the two apparent low bidders--Teppert Tool & Engineering and Jechura's Military Equipment--have been found nonresponsible under recent solicitations for similar items and both bidders have declined to file for a Certificate of Competency from the Small Business Administration. Beacon also contends that Jechura's and Teppert have marginal plant facilities and would be unable to meet the delivery and inspection requirements of the solicitation and therefore are nonresponsible.

Our Office does not review affirmative determinations of responsibility unless there is a showing of possible fraud on the part of the procuring officials or the solicitation contains definitive responsibility criteria which have allegedly not been applied. Astrocom Electronics, Incorporated, B-203377.3, June 30, 1981, 81-1 CPD 546. As Beacon has alleged neither exception here, we will not consider its protest.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel